

20 Apr 70

to Weisberg (cc Roffman)

Harold:

By now you have received Wecht's reply to me indicating that my hunch was wrong. So much for that; I am glad to be able to set it aside.

Even so, irrespective of the thing I had had in mind, I strongly suspect the head X-rays were substituted. I base this chiefly on the other matters that I outlined in the letter to Wecht. As you indicate in EM, there is ample reason. I suggest, however, that we think of substitution only in terms of the head X-rays, not of the other things. I had tended to discount consideration of substitution, but I now think it very likely.

I'll send a copy of my letter to Wecht to Roffman. Even though the hunch proved wrong, the information there may be useful in other ways that I cannot now think of.

Merriman Smith suicide: Failure to notice blast is unlikely, but not at all impossible. I could answer more definitely if I knew details in this particular case, but offhand I would not think of it as inherently suspicious.

The .357 Magnum normally makes an enormous boom (I own one), if .357 mag ammo is being fired. ~~The~~ 357 revolvers also shoot .38 Special interchangeably with ~~357~~ 357 (though 38 Spl ~~will not fire~~ cannot fire the 357 cartridge, which is a little too long for .38 Spl chamber). So if Smith had the gun chambered with 38's, the sound would be that much less than if 357 was used.

There are several things that can muffle sound. Forget about silencer attached to gun. Revolvers cannot be silenced by silencer (disregard movie versions, which sometimes show silencers on revolvers), since gas (and blast) escape through the gap between cylinder and barrel. 357 mags are used only in revolvers.

A room itself can act as a silencer, a muffler of sound, so that if the wife was distant from the area where the blast occurred, she may have heard nothing louder than a thump which might be caused by dropping something on the floor. The layout of the house may be such that blast is almost completely muffled in certain areas.

Moreover, if the muzzle is pressed against the body when fired, the body itself acts as a muffler-- it absorbs the burning gasses and dampens their sound. There would be some noise from the gasses that emanate from the gap, between cylined and barrel, but this need not be much.

Those are the most important factors; they seem sufficient to indicate that Smith could have shot himself in the house without the wife hearing the blast-- or at least not recognizing it as a blast.

I can't say more than this without further information about specific things that apply in this particular case.

399 pictures: I await the new picture. You can be sure that when I get it I will be as divilishly advocative as I can be. I'll sit tight until I get it.

Skolnick: I'll write for clippings after I get a copy of his suit. I think it inappropriate to ask at this time, since I have not yet heard from him.

In thanking my friend for sending me the clipping on Sk, I indicated that I thought he was being set up as a ~~strawman~~ straw man so that they could make a great publicity coup by beating a suit they could not lose. The effect would be to dilute the effect of losing a case that they cannot win (yours). I predicted to the woman that the press would make a big shot of Sk and play his case up in a way they dare not play yours. Lo and behold, I went home that day and read Time's account of Sk (I'll send it to you later). Right on!

I don't think it necessary to regard Sk as an agent, but I am satisfied he is being used by agents, and I think the intent is to discredit you, so that even if (!) you win you lose. You can make it big in the courts, but it doesn't mean a diddle if the press can provide itself with sufficient reason to ignore your suit or to scorn it as being of the same ilk as Sk's. They will put you in the same bag that drowns his cats. I hate to be pessimistic, but I cannot be otherwise.

Pessimistic or not, I still think we should not be discouraged from slogging along as best we can. If we don't, then I think we will end up hating ourselves as much as we (I, anyway) hate those motherfuckers. There really isn't any choice but to go on in spite of Sk.

I can think of no way of averting catastrophe. "They" cannot lose, because they are scoundrels and we are not. That is small comfort, perhaps, but it should be enough for anyone who wishes to face his own conscience every day.

If Sk sends what I asked for, I'll send copies to Paul and Gary.

Sometimes I think you must be made of stone to be able to endure all this and still keep up. I know what effect it has on me, and I haven't devoted nearly as much as you have.

Still,

Dick

\*P.S. The Boston clipping that I sent did not give details, but Time's account is sufficiently detailed to indicate that the material stems directly from the few pages of Camp that deal with Vallee and Bolden. If you sue to

block Skolnick you are on extremely solid grounds. I remember reading the text when I last visited you, though I did not see the documents at that time.

P.S. 399 composite negative just arrived. I'll have it printed as soon as I can, and return to you with copy of print.